

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FORT WORTH DIVISION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

2017 SEP -6 PM 4:11

CLERK OF COURT

SECURITIES AND EXCHANGE COMMISSION,

Applicant,

No.: 4:17-MC-018-A

v.

AMERATEX ENERGY, INC,
LEWIS OIL, INC., and
THOMAS A. LEWIS

Respondents.

APPLICANT'S LIST OF REMAINING DEFICIENCIES

As ordered by the Court on September 6, 2017, Applicant United States Securities and Exchange Commission (the "SEC") submits this list of deficiencies remaining in Respondents' response to the SEC's administrative subpoenas.

No.	Subpoena Item	Description of Documents	Deficiencies
1)	AmeraTex Subpoena Items 4 and 18	4: All communications between AmeraTex and potential or actual investors 18: All communications and correspondence, including electronic communications, between AmeraTex officers, directors, employees, agents, partners, limited partners regarding the use of investor funds raised through the AmeraTex offerings	<u>Missing @ameratexenergy.com emails outside of Aug-Dec 2014 timeframe.</u> Timeframe for subpoena is Jan. 1, 2012 – date of production. Respondents produced just 45 emails from the @ameratexenergy.com accounts. Emails are dated from August 15, 2014 to December 23, 2014. One email is dated July 28, 2015. <u>Missing responsive emails produced by third-parties.</u> See SEC-016, SEC-024, SEC-025, SEC-026, SEC-027.

			<p><u>Spoliation concerns.</u> Respondents allowed email account to lapse in April 2017, six months after receiving the subpoenas. <i>See</i> SEC-030.</p> <p><u>Missing investor communications – hard copy letters.</u> Communications produced do not include responsive documents that have been produced to the SEC by third parties. <i>See</i> SEC-072 and SEC-074.</p> <p><u>All mail to and from the following email addresses:</u> <i>See</i> Dkt. No. 17, Exhibit F, App. 019-023: @ameratexkentucky.com and atexky@gmail.com; Exhibit G, App. 024: ameratex@outlook.com.</p>
2)	AmeraTex Subpoena Item 12	Documents or a description with enough particularity to determine what proceeds from the AmeraTex offerings went to officers or directors of AmeraTex or its affiliates (or entities owned or controlled by officers or directors of AmeraTex or its affiliates), including how much was paid, when it was paid and why it was paid	<u>1099s missing</u> from 2012, 2013, and 2015. <u>No W2s</u> received within time period.
3)	AmeraTex Subpoena Item 13	All balance sheets, income statements, statement of cash flows or other summaries identifying the sources and uses of investor funds	<u>Records incomplete for years 2016.</u> No P&L statement or General Ledger.
4)	Lewis Oil Subpoena Items 4 and 18	<p>4: All communications between Lewis Oil and potential or actual investors</p> <p>18: All communications and correspondence, including electronic</p>	<p>Only 20 emails received from @lewisoilcorp.com over a 4 year time period.</p> <p><u>Missing investor communications.</u> Communications produced do not include responsive documents that have been</p>

		communications, between Lewis Oil officers, directors, employees, agents, partners, limited partners regarding the use of investor funds raised through the Lewis offerings	produced to the SEC by third parties. <i>See</i> SEC-079 and SEC-080.
5)	Lewis Oil Subpoena Item 12	Documents or a description with enough particularity to determine what proceeds from the Lewis offerings went to officers or directors of Lewis Oil or its affiliates (or entities owned or controlled by officers or directors of Lewis Oil or its affiliates), including how much was paid, when it was paid and why it was paid	<u>1099s missing</u> from 2012, 2013, and 2015. <u>No W2s</u> received.
6)	Lewis Oil Subpoena Item 13	All balance sheets, income statements, statement of cash flows or other summaries identifying the sources and uses of investor funds	<u>No records received.</u>
7)	Tom Lewis Subpoena Items 5, 8, 9 and 10	5: All documents and communications between you and potential or actual investors in the AmeraTex and Lewis offerings 8: All of your communications and correspondence, including electronic communications, regarding the use of investor funds raised through the AmeraTex and Lewis offerings	<u>Missing lewisoilcorp@gmail.com emails.</u> Emails produced were organized by folders named for the investors, or "Partners." These folders are listed alphabetically, primarily by first name. Notably, these folders only go through the letter 'L,' strongly suggesting that there are additional investor emails from this account that have not been produced. <u>Missing responsive emails produced by third-parties.</u> <i>See</i> SEC-016 – SEC-028.

		<p>9: All documents and communications and correspondence with Lewis Oil, its officers, directors, agents, employees, consultants, partnerships</p> <p>10: All documents and communications and correspondence with AmeraTex, its officers, directors, agents, employees, consultants, partnerships</p>	<p><u>No native format production</u> of any emails from the oildriller24@yahoo.com account.</p>
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Dated: September 6, 2017

Respectfully submitted,

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION



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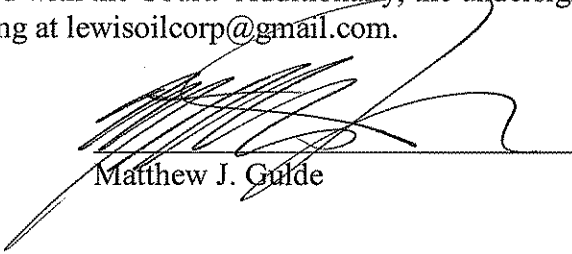
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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2017, I filed the foregoing document with the Clerk of the Court, who entered the documents into the CM/ECF system which will send notification of the filing to all counsel who have registered with the Court. Additionally, the undersigned emailed Thomas Lewis a copy of the foregoing at lewisoilcorp@gmail.com.



Matthew J. Gulde